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DAVIS WRIGHT TREMAINE LLP -
SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of :
Sau C. Wong : **DECISION ON PETITION**
Application No. 09/159,397 :
Filed: September 23, 1998 :
Attorney Docket No. **SN DK.195US0** :

This is a decision on the petition filed February 28, 2007 under 37 C.F.R. § 1.181 & MPEP § 1002.02(c)(3)(c), and alternatively under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **DISMISSED**.
The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

In response to a Notice of Allowance mailed September 12, 2005, the issue fee transmittal was timely submitted on December 12, 2005 (December 9, 2005 certificate of mail date) however the issue fee transmittal was not accompanied by a check for the fees and neither did it contain an authorization to charge the issue fee and publication fee to a deposit account or credit card and thus the application became abandoned. Accordingly a Notice of Abandonment was mailed February 21, 2006.

Petitioner argues that the transmittal contained sufficient information about the firm of record to identify the deposit account. While petitioner's arguments have been considered they are not persuasive. It is the responsibility of the deposit account owner to identify the deposit account or provide some other method of payment. The issue fee was not timely paid and in view thereof, the showing of record is insufficient to warrant withdrawal of the holding of abandonment.

With respect to the petition to revive, the petition fee in the amount of \$1500.00 has been charge to deposit account 50-2664 as authorized in the petition. All other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions